

## Amendment/Response

Reply to Office Action of November 1, 2006

**REMARKS/DISCUSSION OF ISSUES**

Claims 1-13 are pending in this application, with no claims being amended.

**Rejections under 35 U.S.C. § 102(b)**

Claims 1-7 and 10 are rejected under 35 U.S.C. § 102(b) as anticipated by Nishida (US Patent 5,584,941). The rejection of the claims is respectfully traversed.

For anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP 706.02 IV).

Nishida discloses a solar cell with elements similar to the claimed invention, but differs in one notable aspect: the current flow in the solar cell is substantially orthogonal to the plane formed by the juncture of the film and the substrate. In photocell inventions, the various layers form a "sandwich" in which the current flow is from the top sandwich film to the bottom sandwich film, or vice versa. In other words, the current flow is perpendicular to the film surfaces. In the claimed invention, this is not the case. In the claimed invention, the current flow is parallel to the film surfaces instead of perpendicular as in all the photovoltaic cell inventions.

This is why the previous amendment added the claim limitation of "wherein a juncture of said film and said substrate forms a plane; wherein a current flow within said film is substantially parallel to said plane" to claim 1. The present invention does not have conduction, or charge transfer, "through" the differing layers, but rather in the film "along" the layer.

In addition, a metallic film on a non-metallic substrate is not disclosed in Nishida nor any of the previous prior art references cited. Layer 202 in Nishida is not a metal, nor a metallic alloy, nor a multilayered film which includes at least one metallic layer. Layer 202 is simply a metal oxide layer.

Thus, two claimed limitations are found in claim 1 of the present invention which are not disclosed in Nishida.

It is therefore respectfully suggested that the rejection of Claim 1 under 35 U.S.C. § 102 (b) as being anticipated by Nishida is unfounded in light of the previous amendment. Claims 2-7

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and 10, being dependent upon and further limiting independent claim 1 should be allowable for that reason as well as for the additional limitations they contain. Reconsideration of the rejection of claims 1-7 and 10 under 35 U.S.C. § 102 (b) is therefore respectfully requested.

**Rejections under 35 U.S.C. § 103(a)**

Claims 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishida. Reconsideration of the rejection of claims 8-9 is respectfully requested.

Claims 8-9 (and claims 11-13) being dependent upon and further limiting independent claim 1 should be allowable for that reason as well as for the additional limitations they contain. Reconsideration of the rejection of claims 8-9 (and claims 11-13) under 35 U.S.C. § 103(a) is therefore respectfully requested.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated or by e-mail directed to [Chris@PatentingServices.com](mailto:Chris@PatentingServices.com).

Respectfully submitted,



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